



February 24, 2006

ENGROSSED

SENATE BILL No. 324

DIGEST OF SB 324 (Updated February 22, 2006 11:39 am - DI 109)

Citations Affected: IC 5-13; IC 20-12; IC 20-18; IC 20-19; IC 20-26; IC 20-27; IC 20-28; IC 20-33; IC 34-30; IC 36-1; noncode.

Synopsis: Various education matters. Allows the use of school-owned buses for nonprofit organizations under certain conditions. Allows school corporations to independently contract for school nurses and other certified or licensed personnel to provide student services and health services. Requires the state board of education annually to: (1) analyze state statutes, rules, policies, and relationships to determine those that restrict school corporations and public schools from allocating resources to, and focusing efforts on, student instruction and learning; and (2) report the results of the analysis to the state superintendent of public instruction, the general assembly, and the governor. Makes statutes governing nonrenewal of contracts applicable to assistant superintendents, principals, assistant principals, and directors of special education consistent with statutes governing the nonrenewal of a superintendent's contract. Increases the cost of public works projects subject to the bidding process. Allows school

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Effective: July 1, 2006.

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(HOUSE SPONSORS — BEHNING, NOE)

January 10, 2006, read first time and referred to Committee on Education and Career Development.

January 26, 2006, amended, reported favorably — Do Pass.

January 30, 2006, read second time, ordered engrossed. Engrossed.

February 2, 2006, read third time, passed. Yeas 30, noes 19.

HOUSE ACTION

February 7, 2006, read first time, referred to Committee on Education.

February 23, 2006, amended, reported — Do Pass.

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corporations to declare themselves deregulated and waive certain statutes and rules. Allows up to one year or the school corporation's next budget year for school corporations to abate school building inspection violations. Removes the requirement for state and local attendance officers. Extends eligibility for the twenty-first century scholars program to students in grade 7. Authorizes a municipal school corporation to purchase certain materials for a public works project under the public purchasing law. Requires prior written informed consent before administering an assessment, an evaluation, a screening, or an examination concerning a child's social, emotional, or behavioral health. Provides for the development of a social, emotional and behavioral health plan for a child to be submitted to the state board for approval and to the general assembly before implementation. Requires a public school, including a charter school, to deposit the funds on hand not later than the business day following the day that the funds exceed two hundred dollars (\$200). Requires the Indiana state board of education to adopt rules to allow a school corporation to enter into an independent contract with an individual who holds at least: (1) an associate degree in nursing; and (2) a registered nurse license issued under state law. Makes technical corrections. Repeals superseded compulsory school attendance provisions.

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February 24, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 324

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-13-6-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) All public funds paid into the
3 treasury of the state or the treasuries of the respective political
4 subdivisions shall be deposited not later than the business day
5 following the receipt of funds on business days of the depository in one
6 (1) or more depositories in the name of the state or political subdivision
7 by the officer having control of the funds.
8 (b) Except as provided in subsection (d), all public funds collected
9 by state officers, other than the treasurer of state, shall be deposited
10 with the treasurer of state, or an approved depository selected by the
11 treasurer of state not later than the business day following the receipt
12 of the funds. The treasurer of state shall deposit daily on business days
13 of the depository all public funds deposited with the treasurer of state.
14 Deposits do not relieve any state officer from the duty of maintaining
15 a cashbook under IC 5-13-5-1.
16 (c) Except as provided in subsection (d), all local officers, except
17 township trustees, who collect public funds of their respective political

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subdivisions, shall deposit funds not later than the business day following the receipt of funds on business days of the depository in the depository or depositories selected by the several local boards of finance that have jurisdiction of the funds. The public funds collected by township trustees shall be deposited in the designated depository on or before the first and fifteenth day of each month. Public funds deposited under this subsection shall be deposited in the same form in which they were received.

(d) A city (other than a consolidated city) or a town shall deposit funds not later than the next business day following the receipt of the funds in depositories:

(1) selected by the city or town as provided in an ordinance adopted by the city or the town; and

(2) approved as depositories of state funds.

(e) All local investment officers shall reconcile at least monthly the balance of public funds, as disclosed by the records of the local officers, with the balance statements provided by the respective depositories.

(f) An office of:

(1) the department of natural resources; or

(2) the department of state revenue;

that is detached from the main office of the department is not required to deposit funds on the business day following receipt if the funds on hand do not exceed one hundred dollars (\$100). However, the office must deposit the funds on hand not later than the business day following the day that the funds exceed one hundred dollars (\$100).

(g) A public school, including a charter school, is not required to deposit funds on the business day following receipt if the funds on hand do not exceed two hundred dollars (\$200). However, the public school, including a charter school, must deposit the funds on hand not later than the business day following the day that the funds exceed two hundred dollars (\$200).

SECTION 2. IC 20-12-70-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "eligible student" means a student who meets the following requirements:

(1) Is a resident of Indiana.

(2) Is enrolled in **grade 7 or** grade 8 at a public or an accredited nonpublic school.

(3) Is eligible for free or reduced priced lunches under the national school lunch program.

(4) Agrees in writing, together with the student's custodial parents

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or guardian, that the student will:

(A) graduate from a secondary school located in Indiana that meets the admission criteria of an institution of higher learning;

(B) not illegally use controlled substances (as defined in IC 35-48-1-9);

(C) not commit a crime or infraction described in IC 9-30-5;

(D) not commit any other crime or delinquent act (as described in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their repeal));

(E) when the eligible student is a senior in high school, timely apply:

(i) to an institution of higher learning for admission; and

(ii) for any federal and state student financial assistance available to the eligible student to attend an institution of higher learning; and

(F) achieve a cumulative grade point average upon graduation of at least 2.0 on a 4.0 grading scale (or its equivalent if another grading scale is used) for courses taken during grades 9, 10, 11, and 12.

SECTION 3. IC 20-18-2-22, AS ADDED BY P.L.246-2005, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. (a) "Teacher" means a professional person whose position in a school corporation requires certain educational preparation and licensing.

(b) For purposes of IC 20-28, the term includes the following:

(1) A superintendent.

(2) A supervisor.

(3) A principal.

~~(4) An attendance officer.~~

~~(5)~~ (4) A teacher.

~~(6)~~ (5) A librarian.

SECTION 4. IC 20-19-2-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. (a) **The state board shall analyze annually state, local, and other:**

(1) statutes;

(2) rules;

(3) policies; and

(4) related requirements;

that affect school corporations and public schools to identify the

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1 statutes, rules, policies, and related requirements that restrict or
 2 inhibit the ability of school corporations and public schools to
 3 maximize the allocation of resources to, and focus efforts on,
 4 student instruction and learning, or to develop and implement
 5 innovative approaches to improving student achievement.

6 (b) In conducting the analysis required under subsection (a), the
 7 state board may retain the assistance the state board considers
 8 necessary, including the assistance of the following:

9 (1) The office of management and budget.

10 (2) A government efficiency commission that addresses
 11 schools.

12 (3) Consultants.

13 (c) Following the annual identification of statutes, rules, policies,
 14 and related requirements under subsection (a), the state board may
 15 take one (1) or more of the following actions:

16 (1) Repeal the rules, policies, or requirements that are within
 17 the authority of the state board. A repeal under this
 18 subdivision may be undertaken:

19 (A) at any time;

20 (B) following public comment; and

21 (C) by emergency rule.

22 (2) Recommend to the general assembly the repeal of statutes.
 23 The recommendations under this subdivision must be made:

24 (A) annually not later than September 1; and

25 (B) to the executive director of the legislative services
 26 agency in an electronic format under IC 5-14-6.

27 (3) Report to the governor, the general assembly, and the state
 28 superintendent concerning the statutes, rules, policies, and
 29 requirements that are not within the authority of the state
 30 board or general assembly. A report under this subdivision:

31 (A) may be made at any time; and

32 (B) when made to the general assembly, must be made to
 33 the executive director of the legislative services agency in
 34 an electronic format under IC 5-14-6.

35 SECTION 5. IC 20-19-5-1, AS ADDED BY P.L.234-2005,
 36 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2006]: Sec. 1. The department of education, in cooperation
 38 with the department of child services, the department of correction, and
 39 the division of mental health and addiction, shall:

40 (1) develop and coordinate the children's social, emotional, and
 41 behavioral health plan that is to provide recommendations
 42 concerning:

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- 1 (A) comprehensive mental health services;
- 2 (B) early intervention; and
- 3 (C) treatment services;
- 4 for individuals from birth through twenty-two (22) years of age;
- 5 (2) make recommendations to the state board ~~which shall adopt~~
- 6 ~~rules under IC 4-22-2 for the state board's approval~~ concerning
- 7 the children's social, emotional, and behavioral health plan; and
- 8 (3) conduct hearings on the implementation of the plan. ~~before~~
- 9 ~~adopting rules under this chapter.~~

10 SECTION 6. IC 20-19-5-3, IS ADDED TO THE INDIANA CODE
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 12 1, 2006]: **Sec. 3. (a) This chapter does not authorize or permit the:**

- 13 (1) department of education;
- 14 (2) department of child services;
- 15 (3) department of correction; or
- 16 (4) division of mental health and addiction;
- 17 to require a child to participate in any social, emotional,
- 18 behavioral, or mental health psychological or similar screening,
- 19 evaluation, assessment, or examination described in this chapter
- 20 without the prior written informed consent of the child's parent.

21 (b) Any psychological or similar screening administered under
 22 this chapter may not be used for diagnostic purposes.

23 (c) The department of education, department of child services,
 24 department of correction, or division of mental health and
 25 addiction (whichever is applicable) shall give parents and students
 26 notice of their rights under this chapter.

27 SECTION 7. IC 20-26-13-11, AS ADDED BY P.L.242-2005,
 28 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2006]: **Sec. 11. (a)** A student who has left school is not
 30 included in clauses (A) through (J) of STEP FIVE of the formula
 31 established in section 10 of this chapter unless the school corporation
 32 can provide written proof that the student has left the school for one (1)
 33 of the reasons set forth in clauses (A) through (J) of STEP FIVE of
 34 section 10 of this chapter. If the location of the student is unknown to
 35 the school, the principal of the school shall send a certified letter to the
 36 last known address of the student, inquiring about the student's
 37 whereabouts and status. If the student is not located after the certified
 38 letter is delivered or if no response is received, the principal may
 39 submit the student's information, including last known address, parent
 40 or guardian name, student testing number, and other pertinent data to
 41 the state attendance ~~officer.~~ **official.** The state attendance ~~officer,~~
 42 **official,** using all available state data and any other means available,

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shall attempt to locate the student and report the student's location and school enrollment status to the principal so that the principal can appropriately send student records to the new school or otherwise document the student's status.

(b) If a school corporation cannot provide written proof that a student should be included in clauses (A) through (J) of STEP FIVE of section 10 of this chapter, the student is considered a dropout.

SECTION 8. IC 20-26-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 16. Deregulated School Corporations

Sec. 1. The governing body of a school corporation may designate the school corporation as a deregulated school corporation that is free to focus on improving the academic achievement of the school corporation's students by using freedom from regulation to:

- (1) allocate resources toward; and**
- (2) focus efforts on;**

student instruction and learning.

Sec. 2. (a) To designate a school corporation as a deregulated school corporation that is free to focus on improving academic improvement, a governing body shall submit notice of the school corporation's intent to become a deregulated school corporation to the state board. The notice must:

- (1) be in writing;**
- (2) attest that the governing body has voted to become a deregulated school corporation that is free to focus on improving academic achievement; and**
- (3) inform the state board that the school corporation will become a deregulated school corporation on the July 1 next following the date of the notice.**

(b) A notice under this section is effective upon receipt by the state board.

Sec. 3. A school corporation becomes a deregulated school corporation that is free to focus on improving academic achievement on the July 1 next following the date of the governing body's notice to the state board.

Sec. 4. (a) The following statutes as in effect on January 1, 2006, and any rules or guidelines adopted by the state board or the advisory board of the division of professional standards under these statutes and in effect on January 1, 2006, do not apply to a deregulated school corporation unless the deregulated school

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corporation elects to have one (1) or more of the statutes, rules, or guidelines apply to the deregulated school corporation:

- (1) IC 20-20-1; IC 20-20-3 through IC 20-20-7; and IC 20-20-9 through IC 20-20-32 (programs administered by the state).
- (2) IC 20-28-11-1 through IC 20-28-11-2; and IC 20-28-11-4 through IC 20-28-11-8 (staff performance evaluation).
- (3) IC 20-30-4-1 through IC 20-30-4-2; and IC 20-30-4-4 through IC 20-30-4-5 (student career plan).
- (4) IC 20-30-5-7 through IC 20-30-9-14; and IC 20-30-12 through IC 20-30-15 (curriculum).
- (5) IC 20-31-4 (performance based accreditation).
- (6) IC 20-33-6 (parental participation in a student's education).
- (7) IC 20-34-1 (AIDS advisory council).
- (8) IC 20-38 (educational compacts).

(b) If a statute, rule, or guideline described in subsection (a) is amended after January 1, 2006, the amendment to the statute, rule, or guideline applies to a deregulated school corporation unless the general assembly specifies that the amendment to the statute, rule, or guideline does not apply to a deregulated school corporation.

Sec. 5. (a) A deregulated school corporation shall submit periodic reports, at the times set by the state board, to the department and state board, with the content and in formats prescribed by the state board, containing the following information:

- (1) Financial information.
- (2) Student performance data, including the results of all standardized testing, ISTEP program testing, and the graduation examination.
- (3) A description of the educational methods and teaching methods employed.
- (4) Daily attendance records.
- (5) Graduation statistics, including the number of students attaining Core 40 and academic honors diplomas.
- (6) Student enrollment data, including the following:
 - (A) The number of students enrolled in the school corporation and each school in the school corporation.
 - (B) The number of students suspended or expelled from schools in the school corporation, including the reasons for the suspensions or expulsions.
 - (C) The number of students who ceased to attend schools in the school corporation, including the reasons for the

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cessation.

(7) Any information necessary to comply with federal or state reporting requirements.

(8) Any other information specified by the state board.

(b) A deregulated school corporation and each school within the school corporation shall publish the annual performance report required under IC 20-20-8.

Sec. 6. The state board may revoke the deregulated status of a school corporation at any time if the state board determines that at least one (1) of the following has occurred:

(1) The school corporation fails to comply with applicable laws or conditions established under this chapter.

(2) The school corporation fails to meet the educational and financial goals for the school corporation established by federal or state law, or by the state board.

(3) The school corporation fails to comply with financial management, accounting, or reporting requirements.

Sec. 7. Not later than December 31 of each year, the state board shall issue a report to the governor and the general assembly concerning the status, actions, and academic and financial results of a deregulated school corporation. A report to the general assembly must be made to the executive director of the legislative services agency in an electronic format under IC 5-14-6.

SECTION 9. IC 20-27-9-6, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) In addition to the exemptions granted in this chapter and notwithstanding section 16 of this chapter, a school corporation may allow a school bus operated under a fleet or transportation contract and not owned in whole or in part by a public agency to be used for the transportation of a group or an organization for any distance, if that group or organization agrees to maintain the condition of the school bus and to maintain order on the school bus while in use.

(b) When authorizing transportation described in subsection (a), the school corporation shall require the owner of the school bus to:

(1) obtain written authorization of the superintendent of the contracting school corporation;

(2) clearly identify the school bus with the name of the sponsoring group; and

(3) provide proof to the superintendent and the sponsoring group of financial responsibility, as required by IC 9-25 and IC 20-27-5-9 for the transportation.

(c) The governing body of a school corporation may allow, by

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written authorization, the use of a school bus owned in whole or in part by the school corporation for the transportation needs of:

- (1) a fair or festival operated by or affiliated with a nonprofit organization exempt from federal taxation under Section 501(c)(3) through 501(c)(7) of the Internal Revenue Code; or
- (2) **any nonprofit organization exempt from federal taxation under Section 501(c)(3) through 501(c)(7) of the Internal Revenue Code.**

(d) **When authorizing transportation described in subsection (c), the school corporation may only charge the organization for fuel.**

SECTION 10. IC 20-28-8-3, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) Before February 1 of the year during which the contract of an assistant superintendent, a principal, or an assistant principal is due to expire, the governing body of the school corporation, or an employee at the direction of the governing body, shall give written notice of renewal or refusal to renew the individual's contract for the ensuing school year.

(b) If notice is not given before February 1 of the year during which the contract is due to expire, the contract then in force shall be reinstated only for the ensuing school year.

(c) This section does not prevent the modification or termination of a contract by mutual agreement of the assistant superintendent, the principal, or the assistant principal and the governing body. An assistant superintendent, a principal, or an assistant principal's contract terminates only on the following dates and under the following conditions:

- (1) On any date, if the governing body and the assistant superintendent, principal, or assistant principal mutually consent.
- (2) Before the expiration date set forth in the contract, if the governing body terminates the contract for cause under a statute that sets forth causes for dismissal of teachers. However, the governing body must give the assistant superintendent, principal, or assistant principal proper notice and, if the assistant superintendent, principal, or assistant principal requests a hearing at least ten (10) days before the termination, must grant the assistant superintendent, principal, or assistant principal a hearing at an official meeting of the governing body.
- (3) On the expiration date set forth in the contract, if the governing body not later than January 1 of the year in which

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the contract expires gives notice to the assistant superintendent, principal, or assistant principal in writing, delivered in person or by registered mail.

(4) On the expiration date set forth in the contract, if the assistant superintendent, principal, or assistant principal not later than January 1 of the year in which the contract expires gives proper notice in writing to the governing body.

(b) If the governing body fails to give a termination notice under subsection (a), the assistant superintendent, principal, or assistant principal's contract is extended for twelve (12) months following the expiration date of the contract.

SECTION 11. IC 20-28-8-11, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) Before February 1 of the year during which the contract of a local director is due to expire, the managing body, or an employee at the direction of the managing body, shall give written notice of renewal or refusal to renew the local director's contract for the ensuing school year.

(b) If notice is not given before February 1 of the year during which the contract is due to expire, the contract then in force is reinstated only for the ensuing school year.

(c) This section does not prevent the modification or termination of a contract by mutual agreement of the local director and the managing body. A local director's contract terminates only on the following dates and under the following conditions:

(1) On any date, if the governing body and the local director mutually consent.

(2) Before the expiration date set forth in the contract, if the governing body terminates the contract for cause under a statute that sets forth causes for dismissal of teachers. However, the governing body must give the local director proper notice and, if the local director requests a hearing at least ten (10) days before the termination, must grant the local director a hearing at an official meeting of the governing body.

(3) On the expiration date set forth in the contract, if the governing body not later than January 1 of the year in which the contract expires gives notice to the local director in writing, delivered in person or by registered mail.

(4) On the expiration date set forth in the contract, if the local director not later than January 1 of the year in which the contract expires gives proper notice in writing to the

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governing body.

(b) If the governing body fails to give a termination notice under subsection (a), the local director's contract is extended for twelve (12) months following the expiration date of the contract.

SECTION 12. IC 20-33-2-18, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) If a parent of a student does not send the student to school because of the student's illness or mental or physical incapacity, it is unlawful for the parent to fail or refuse to produce a certificate of the illness or incapacity for an attendance officer a school administrator or the school administrator's designee not later than six (6) days after the certificate is demanded.

(b) The certificate required under this section must be signed by:

- (1) an Indiana physician;
- (2) an individual holding a license to practice osteopathy or chiropractic in Indiana; or
- (3) a Christian Science practitioner who resides in Indiana and is listed in the Christian Science Journal.

SECTION 13. IC 20-33-2-20, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. (a) An accurate daily record of the attendance of each student who is subject to compulsory school attendance under this chapter shall be kept by every public and nonpublic school.

(b) In a public school, the record shall be open at all times for inspection by:

- ~~(1) attendance officers;~~
- ~~(2) (1) school officials; and~~
- ~~(3) (2) agents of the department of labor; and~~
- (3) agents of the department of education.**

Every teacher shall answer fully all lawful inquiries made by an attendance officer, a school official, an agent of the department of education, or an agent of the department of labor.

(c) In a nonpublic school, the record shall be required to be kept solely to verify the enrollment and attendance of a student upon request of the:

- (1) state superintendent; or
- (2) superintendent of the school corporation in which the nonpublic school is located.

SECTION 14. IC 20-33-2-23, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. (a) Each school attendance officer, administrator (or the administrator's designee), sheriff, marshal,

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and police officer in Indiana may take into custody any child who:

(1) is required to attend school under this chapter; and

(2) is found during school hours, unless accompanied:

(A) by a parent; or

(B) with the consent of a parent, by a relative by blood or marriage who is at least eighteen (18) years of age;

in a public place, in a public or private conveyance, or in a place of business open to the public.

(b) When an officer **or administrator (or administrator's designee)** takes a child into custody under this section, the officer **or administrator (or administrator's designee)** shall immediately deliver the child to the principal of the public or nonpublic school in which the child is enrolled. If a child is not enrolled in any school, then the officer **or administrator (or administrator's designee)** shall deliver the child into the custody of the principal of the public school in the attendance area in which the child resides. If a child is taken to the appropriate school and the principal is unavailable, the acting chief administrative officer of the school shall take custody of the child.

(c) The powers conferred under this section may be exercised without warrant and without subsequent legal proceedings.

SECTION 15. IC 20-33-2-25, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. The superintendent or ~~an attendance officer~~ **a school administrator (or the school administrator's designee)** having jurisdiction may report a child who is habitually absent from school in violation of this chapter to an intake officer of the juvenile court. The intake officer shall proceed in accord with IC 31-30 through IC 31-40.

SECTION 16. IC 20-33-2-26, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. (a) It is the duty of each:

(1) superintendent;

~~(2) attendance officer;~~ and

~~(3) state attendance official;~~

(2) school administrator (or school administrator's designee); to enforce this chapter in their respective jurisdictions and to execute the affidavits authorized under this section. The duty is several, and the failure of one (1) or more to act does not excuse another official from the obligation to enforce this chapter.

(b) An affidavit against a parent for a violation of this chapter shall be prepared and filed in the same manner and under the procedure prescribed for filing affidavits for the prosecution of public offenses.

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(c) An affidavit under this section shall be filed in the circuit court of the county in which the affected child resides. The prosecuting attorney shall file and prosecute actions under this section as in other criminal cases. The court shall promptly hear cases brought under this section.

SECTION 17. IC 20-33-2-47, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 47. (a) A school corporation may develop and implement a system of notifying the parent of a student when:

(1) the student fails to attend school; and

(2) the student does not have an excused absence for that day.

(b) A school corporation or an accredited nonpublic school shall report to the local health department **and the department of education** the percentage of student absences above a threshold determined by the department by rule adopted under IC 4-22-2.

(c) If a school corporation implements a notification system under this chapter, the ~~attendance officer or the attendance officer's designee~~ **school administrator (or the school administrator's designee)** shall make a reasonable effort to contact by telephone the parent of each student who has failed to attend school and does not have an excused absence for that day.

(d) If ~~an attendance officer or an attendance officer's designee~~ **a school administrator (or the school administrator's designee)** has made a reasonable effort to contact a parent under subsection (c), the school corporation is immune from liability for any damages suffered by the parent claimed because of failure to contact the parent.

SECTION 18. IC 34-30-2-85.2, AS AMENDED BY P.L.1-2005, SECTION 221, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 85.2. IC 20-33-2-47(d) (Concerning ~~attendance officer or officer's designee~~ **a school administrator or the school administrator's designee** for failure to contact a parent or guardian regarding a student's absences).

SECTION 19. IC 36-1-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) This section applies whenever the cost of a public work project will be:

(1) at least ~~seventy-five thousand dollars (\$75,000)~~ **one hundred thousand dollars (\$100,000)** in:

(A) a consolidated city or second class city;

(B) a county containing a consolidated city or second class city; or

(C) a regional water or sewage district established under IC 13-26;

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(2) at least ~~fifty thousand dollars (\$50,000)~~ **seventy-five thousand dollars (\$75,000)** in:

(A) a third class city or town with a population of more than five thousand (5,000); or

(B) a county containing a third class city or town with a population of more than five thousand (5,000); or

(3) at least ~~twenty-five thousand dollars (\$25,000)~~ **fifty thousand dollars (\$50,000)** in a political subdivision or an agency not described in subdivision (1) or (2).

(b) The board must comply with the following procedure:

(1) The board shall prepare general plans and specifications describing the kind of public work required, but shall avoid specifications which might unduly limit competition. If the project involves the resurfacing (as defined by IC 8-14-2-1) of a road, street, or bridge, the specifications must show how the weight or volume of the materials will be accurately measured and verified.

(2) The board shall file the plans and specifications in a place reasonably accessible to the public, which shall be specified in the notice required by subdivision (3).

(3) Upon the filing of the plans and specifications, the board shall publish notice in accordance with IC 5-3-1 calling for sealed proposals for the public work needed.

(4) The notice must specify the place where the plans and specifications are on file and the date fixed for receiving bids.

(5) The period of time between the date of the first publication and the date of receiving bids shall be governed by the size of the contemplated project in the discretion of the board, but it may not be more than six (6) weeks.

(6) If the cost of a project is one hundred thousand dollars (\$100,000) or more, the board shall require the bidder to submit a financial statement, a statement of experience, a proposed plan or plans for performing the public work, and the equipment that the bidder has available for the performance of the public work. The statement shall be submitted on forms prescribed by the state board of accounts.

(7) The board may not require a bidder to submit a bid before the meeting at which bids are to be received. The meeting for receiving bids must be open to the public. All bids received shall be opened publicly and read aloud at the time and place designated and not before.

(8) Except as provided in subsection (c), the board shall:

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- 1 (A) award the contract for public work or improvements to the
 2 lowest responsible and responsive bidder; or
 3 (B) reject all bids submitted.
- 4 (9) If the board awards the contract to a bidder other than the
 5 lowest bidder, the board must state in the minutes or memoranda,
 6 at the time the award is made, the factors used to determine which
 7 bidder is the lowest responsible and responsive bidder and to
 8 justify the award. The board shall keep a copy of the minutes or
 9 memoranda available for public inspection.
- 10 (10) In determining whether a bidder is responsive, the board may
 11 consider the following factors:
 12 (A) Whether the bidder has submitted a bid or quote that
 13 conforms in all material respects to the specifications.
 14 (B) Whether the bidder has submitted a bid that complies
 15 specifically with the invitation to bid and the instructions to
 16 bidders.
 17 (C) Whether the bidder has complied with all applicable
 18 statutes, ordinances, resolutions, or rules pertaining to the
 19 award of a public contract.
- 20 (11) In determining whether a bidder is a responsible bidder, the
 21 board may consider the following factors:
 22 (A) The ability and capacity of the bidder to perform the work.
 23 (B) The integrity, character, and reputation of the bidder.
 24 (C) The competence and experience of the bidder.
- 25 (12) The board shall require the bidder to submit an affidavit:
 26 (A) that the bidder has not entered into a combination or
 27 agreement:
 28 (i) relative to the price to be bid by a person;
 29 (ii) to prevent a person from bidding; or
 30 (iii) to induce a person to refrain from bidding; and
 31 (B) that the bidder's bid is made without reference to any other
 32 bid.
- 33 (c) Notwithstanding subsection (b)(8), a county may award sand,
 34 gravel, asphalt paving materials, or crushed stone contracts to more
 35 than one (1) responsible and responsive bidder if the specifications
 36 allow for bids to be based upon service to specific geographic areas and
 37 the contracts are awarded by geographic area. The geographic areas do
 38 not need to be described in the specifications.
- 39 SECTION 20. IC 36-1-12-22 IS ADDED TO THE INDIANA
 40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2006]: **Sec. 22. A school corporation may**
 42 **purchase the following materials for a public work project as**

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provided in IC 5-22:

- (1) Roofing materials.
- (2) Commercial floor coverings.
- (3) Athletic resurfacing materials.
- (4) Playground equipment.

SECTION 21. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 20-33-2-31; IC 20-33-2-32; IC 20-33-2-33; IC 20-33-2-34; IC 20-33-2-35; IC 20-33-2-36; IC 20-33-2-37; IC 20-33-2-38; IC 20-33-2-39; IC 20-33-2-40; IC 20-33-2-41; IC 20-33-2-42; IC 20-33-2-43.

SECTION 22. [EFFECTIVE JULY 1, 2006] (a) As used in this SECTION, "state board" refers to the Indiana state board of education established by IC 20-19-2-2.

(b) The state board shall adopt rules to amend the personnel and health services rules adopted by the state board and codified at 511 IAC 4-1.5. The state board shall adopt rules required by this subsection in the same manner as emergency rules are adopted under IC 4-22-2-37.1. The rules adopted by the state board under this subsection must allow a school corporation to enter into an independent contract with an individual who holds at least:

- (1) an associate degree in nursing; and
- (2) a registered nurse license issued under IC 25-23;

to provide student services or health services. The rules adopted under this subsection expire on the date the rules are adopted by the state board under IC 4-22-2, or January 1, 2007, whichever is earlier.

SECTION 23. [EFFECTIVE JULY 1, 2006] (a) Notwithstanding any other law, if, as a result of an inspection of a school building under IC 22-14-2-11, the state fire marshal, or the fire marshal's designee, determines that there is a safety violation, a school corporation may be allowed a reasonable time for the abatement of the violation up to a year following the determination or the school corporation's next budget year, whichever is earlier.

(b) The expense of the abatement may be paid out of funds appropriated for such purposes within the next budget year following a violation determination described under subsection (a).

SECTION 24. [EFFECTIVE JULY 1, 2006] Notwithstanding IC 20-19-5, as amended by this act, the children's social, emotional, and behavioral health plan created under IC 20-19-5 must be submitted in an electronic format under IC 5-14-6 to the general assembly through the legislative council not later than December 1, 2006. The plan must be submitted under this SECTION before

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1 **the plan is implemented. The plan may not be implemented until**
2 **the general assembly enacts legislation to implement the plan.**
3 **SECTION 25. An emergency is declared for this act.**

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SENATE MOTION

Madam President: I move that Senator Alting be removed as author of Senate Bill 324 and that Senator Drozda be substituted therefor.

ALTING

 COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 324, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 7, delete "in".

Page 1, line 7, delete "6, 7," and insert "7".

Page 1, line 9, delete "6;" and insert "7;".

Page 2, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 3. IC 20-19-2-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 20. (a) The state board shall analyze annually state, local, and other:**

- (1) statutes;**
- (2) rules;**
- (3) policies; and**
- (4) related requirements;**

that affect school corporations and public schools to identify the statutes, rules, policies, and related requirements that restrict or inhibit the ability of school corporations and public schools to maximize the allocation of resources to, and focus efforts on, student instruction and learning, or to develop and implement innovative approaches to improving student achievement.

(b) In conducting the analysis required under subsection (a), the state board may retain the assistance the state board considers necessary, including the assistance of the following:

- (1) The office of management and budget.**
- (2) A government efficiency commission that addresses schools.**
- (3) Consultants.**

(c) Following the annual identification of statutes, rules, policies, and related requirements under subsection (a), the state board may take one (1) or more of the following actions:

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(1) Repeal the rules, policies, or requirements that are within the authority of the state board. A repeal under this subdivision may be undertaken:

- (A) at any time;
- (B) following public comment; and
- (C) by emergency rule.

(2) Recommend to the general assembly the repeal of statutes. The recommendations under this subdivision must be made:

- (A) annually not later than September 1; and
- (B) to the executive director of the legislative services agency in an electronic format under IC 5-14-6.

(3) Report to the governor, the general assembly, and the state superintendent concerning the statutes, rules, policies, and requirements that are not within the authority of the state board or general assembly. A report under this subdivision:

- (A) may be made at any time; and
- (B) when made to the general assembly, must be made to the executive director of the legislative services agency in an electronic format under IC 5-14-6."

Page 3, between lines 10 and 11, begin a new paragraph and insert:
"SECTION 6. IC 20-26-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 16. Deregulated School Corporations

Sec. 1. The governing body of a school corporation may designate the school corporation as a deregulated school corporation that is free to focus on improving the academic achievement of the school corporation's students by using freedom from regulation to:

- (1) allocate resources toward; and
- (2) focus efforts on;

student instruction and learning.

Sec. 2. (a) To designate a school corporation as a deregulated school corporation that is free to focus on improving academic improvement, a governing body shall submit notice of the school corporation's intent to become a deregulated school corporation to the state board. The notice must:

- (1) be in writing;
- (2) attest that the governing body has voted to become a deregulated school corporation that is free to focus on improving academic achievement; and
- (3) inform the state board that the school corporation will

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become a deregulated school corporation on the July 1 next following the date of the notice.

(b) A notice under this section is effective upon receipt by the state board.

Sec. 3. A school corporation becomes a deregulated school corporation that is free to focus on improving academic achievement on the July 1 next following the date of the governing body's notice to the state board.

Sec. 4. The following apply to a deregulated school corporation:

(1) Except as specifically provided in this chapter, the following do not apply to a deregulated school corporation:

(A) An Indiana statute applicable to a governing body or school corporation.

(B) A rule or guideline adopted by the state board.

(C) A rule or guideline adopted by the advisory board of the division of professional standards established by IC 20-28-2-2, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.

(D) A local regulation or policy adopted by the governing body of the deregulated school corporation, unless the regulation or policy is specifically readopted by the governing body after the governing body has voted to become a deregulated school corporation.

(2) The school corporation and schools within the school corporation must continue to comply with the following:

(A) Applicable federal laws.

(B) The Constitution of the State of Indiana.

(C) Federal and state laws that prohibit discrimination.

(D) Bidding, wage determination, and other statutes and rules that apply to the use of public funds for the construction, reconstruction, alteration, or renovation of a public building.

(E) The following statutes:

(i) IC 5-10.3 (public employees' retirement fund).

(ii) IC 5-11-1-9 (required audits by the state board of accounts).

(iii) IC 20-26-5-6 (subject to regulation by state agencies).

(iv) IC 20-26-5-10 and IC 20-28-5-9 (criminal history).

(v) IC 20-26-6-2 (unified accounting system).

(vi) IC 20-28-4 (transition to teaching).

(vii) IC 20-28-6, IC 20-28-7, IC 20-28-8, IC 20-28-9, and

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- IC 20-28-10 (contracts with teachers and administrators, salary, and conditions of employment).
- (viii) IC 20-29 (collective bargaining).
- (ix) IC 20-30-2 (calendar).
- (x) IC 20-30-3-2 and IC 20-30-3-4 (patriotic and commemorative observances).
- (xi) IC 20-30-5-0.5 (concerning the pledge of allegiance).
- (xii) IC 20-30-10 (college preparation curriculum).
- (xiii) IC 20-30-11 (postsecondary enrollment program).
- (xiv) IC 20-31 (accountability for school performance and improvement).
- (xv) IC 20-32 (student standards, assessment, and performance).
- (xvi) IC 20-33-2 (compulsory school attendance).
- (xvii) IC 20-33-3 (limitations on employment of children).
- (xviii) IC 20-33-7 (parental access to education records).
- (xix) IC 20-33-8 (student discipline).
- (30) IC 20-33-9 (reporting of student violations of law).
- (30i) IC 20-34-3 (health and safety measures).
- (xxii) IC 20-34-4 (immunizations).
- (xxiii) IC 20-35 (special education).
- (xxiv) IC 21 (school finance).
- (xxv) IC 21-6.1 (teacher retirement).

Sec. 5. (a) A deregulated school corporation shall submit periodic reports, at the times set by the state board, to the department and state board, with the content and in formats prescribed by the state board, containing the following information:

- (1) Financial information.
- (2) Student performance data, including the results of all standardized testing, ISTEP program testing, and the graduation examination.
- (3) A description of the educational methods and teaching methods employed.
- (4) Daily attendance records.
- (5) Graduation statistics, including the number of students attaining Core 40 and academic honors diplomas.
- (6) Student enrollment data, including the following:
 - (A) The number of students enrolled in the school corporation and each school in the school corporation.
 - (B) The number of students suspended or expelled from

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schools in the school corporation, including the reasons for the suspensions or expulsions.

(C) The number of students who ceased to attend schools in the school corporation, including the reasons for the cessation.

(7) Any information necessary to comply with federal or state reporting requirements.

(8) Any other information specified by the state board.

(b) A deregulated school corporation and each school within the school corporation shall publish the annual performance report required under IC 20-20-8.

Sec. 6. (a) Before becoming a deregulated school corporation under section 3 of this chapter, a governing body may waive any statutes, rules, or policies that the governing body may waive under section 4 of this chapter.

(b) A governing body shall submit notice of the statutes, rules, or policies the governing body seeks to waive to the state board under section 2 of this chapter.

(c) Unless the state board, with the advice of the department, provides written notice to the governing body of reasons the governing body may not waive a specific statute, rule, or policy, a waiver under this section takes effect ninety (90) days after the state board receives notice of the waiver.

Sec. 7. The state board may revoke the deregulated status of a school corporation at any time if the state board determines that at least one (1) of the following has occurred:

(1) The school corporation fails to comply with applicable laws or conditions established under this chapter.

(2) The school corporation fails to meet the educational and financial goals for the school corporation established by federal or state law, or by the state board.

(3) The school corporation fails to comply with financial management, accounting, or reporting requirements.

Sec. 8. Not later than December 31 of each year, the state board shall issue a report to the governor and the general assembly concerning the status, actions, and academic and financial results of a deregulated school corporation. A report to the general assembly must be made to the executive director of the legislative services agency in an electronic format under IC 5-14-6."

Page 3, line 40, delete "gasoline." and insert "fuel."

Page 8, delete lines 15 through 42.

Delete page 9.

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Page 10, delete lines 1 through 40.

Page 11, line 9, delete "fifty".

Page 11, line 9, delete "(\$150,000)" and insert "(\$100,000)".

Page 13, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 16. IC 36-1-12-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 22. (a) A school corporation may purchase the following materials for a public work project as provided in IC 5-22:**

- (1) Roofing materials.**
- (2) Commercial floor coverings.**
- (3) Athletic resurfacing materials.**
- (4) Playground equipment.**

(b) Labor used in any part of a public work project for which materials are purchased under subsection (a) from a contractor selected by a competitive sealed bidding process through a cooperative purchasing program may be included in the purchase if:

- (1) the labor is performed by an Indiana based contractor or subcontractor;**
- (2) the labor is subject to IC 5-16-7, except that the wage scale must be established two (2) weeks before the issuance of a contract for the actual performance of the work; and**
- (3) the employees of each Indiana based contractor or subcontractor providing labor have completed or are enrolled in an apprenticeship program certified by the United States Department of Labor Bureau of Apprenticeship and Training.**

(c) Notwithstanding the manner in which materials and labor are purchased under this section, the cost of a public work project under this section shall be determined in accordance with IC 36-1-12-19.

(d) A purchase of materials and labor for a public work project under this section is exempt from publishing notice under IC 5-3-1."

Page 13, line 26, delete "or license".

Page 13, line 27, delete "certificate or".

Page 13, line 27, delete "by a professional" and insert "**under IC 25-23;**".

Page 13, delete line 28.

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Page 13, line 29, delete "serves" and insert "**services**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 324 as introduced.)

LUBBERS, Chairperson

Committee Vote: Yeas 7, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 324, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-13-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) All public funds paid into the treasury of the state or the treasuries of the respective political subdivisions shall be deposited not later than the business day following the receipt of funds on business days of the depository in one (1) or more depositories in the name of the state or political subdivision by the officer having control of the funds.

(b) Except as provided in subsection (d), all public funds collected by state officers, other than the treasurer of state, shall be deposited with the treasurer of state, or an approved depository selected by the treasurer of state not later than the business day following the receipt of the funds. The treasurer of state shall deposit daily on business days of the depository all public funds deposited with the treasurer of state. Deposits do not relieve any state officer from the duty of maintaining a cashbook under IC 5-13-5-1.

(c) Except as provided in subsection (d), all local officers, except township trustees, who collect public funds of their respective political subdivisions, shall deposit funds not later than the business day following the receipt of funds on business days of the depository in the depository or depositories selected by the several local boards of finance that have jurisdiction of the funds. The public funds collected by township trustees shall be deposited in the designated depository on or before the first and fifteenth day of each month. Public funds deposited under this subsection shall be deposited in the same form in

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which they were received.

(d) A city (other than a consolidated city) or a town shall deposit funds not later than the next business day following the receipt of the funds in depositories:

- (1) selected by the city or town as provided in an ordinance adopted by the city or the town; and
- (2) approved as depositories of state funds.

(e) All local investment officers shall reconcile at least monthly the balance of public funds, as disclosed by the records of the local officers, with the balance statements provided by the respective depositories.

(f) An office of:

- (1) the department of natural resources; or
- (2) the department of state revenue;

that is detached from the main office of the department is not required to deposit funds on the business day following receipt if the funds on hand do not exceed one hundred dollars (\$100). However, the office must deposit the funds on hand not later than the business day following the day that the funds exceed one hundred dollars (\$100).

(g) A public school, including a charter school, is not required to deposit funds on the business day following receipt if the funds on hand do not exceed two hundred dollars (\$200). However, the public school, including a charter school, must deposit the funds on hand not later than the business day following the day that the funds exceed two hundred dollars (\$200)."

Page 1, line 6, delete ":" and insert "**grade 7 or**".

Page 1, delete lines 7 through 8.

Page 1, line 9, delete "school year,".

Page 1, line 9, reset in roman "grade 8".

Page 1, line 9, delete "grade 7;".

Page 1, run in lines 6 through 10.

Page 3, between lines 30 and 31, begin a new paragraph and insert:
 "SECTION 5. IC 20-19-5-1, AS ADDED BY P.L.234-2005, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The department of education, in cooperation with the department of child services, the department of correction, and the division of mental health and addiction, shall:

(1) develop and coordinate the children's social, emotional, and behavioral health plan that is to provide recommendations concerning:

- (A) comprehensive mental health services;
- (B) early intervention; and



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- (C) treatment services;
 for individuals from birth through twenty-two (22) years of age;
 (2) make recommendations to the state board ~~which shall adopt rules under IC 4-22-2 for the state board's approval~~ concerning the children's social, emotional, and behavioral health plan; and
 (3) conduct hearings on the implementation of the plan. ~~before adopting rules under this chapter.~~

SECTION 6. IC 20-19-5-3, IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3. (a) This chapter does not authorize or permit the:**

- (1) department of education;**
- (2) department of child services;**
- (3) department of correction; or**
- (4) division of mental health and addiction;**

to require a child to participate in any social, emotional, behavioral, or mental health psychological or similar screening, evaluation, assessment, or examination described in this chapter without the prior written informed consent of the child's parent.

(b) Any psychological or similar screening administered under this chapter may not be used for diagnostic purposes.

(c) The department of education, department of child services, department of correction, or division of mental health and addiction (whichever is applicable) shall give parents and students notice of their rights under this chapter."

Page 4, line 42, delete "The following apply to a deregulated school corporation:" and insert **"(a) The following statutes as in effect on January 1, 2006, and any rules or guidelines adopted by the state board or the advisory board of the division of professional standards under these statutes and in effect on January 1, 2006, do not apply to a deregulated school corporation unless the deregulated school corporation elects to have one (1) or more of the statutes, rules, or guidelines apply to the deregulated school corporation:**

- (1) IC 20-20-1; IC 20-20-3 through IC 20-20-7; and IC 20-20-9 through IC 20-20-32 (programs administered by the state).**
- (2) IC 20-28-11-1 through IC 20-28-11-2; and IC 20-28-11-4 through IC 20-28-11-8 (staff performance evaluation).**
- (3) IC 20-30-4-1 through IC 20-30-4-2; and IC 20-30-4-4 through IC 20-30-4-5 (student career plan).**
- (4) IC 20-30-5-7 through IC 20-30-9-14; and IC 20-30-12 through IC 20-30-15 (curriculum).**
- (5) IC 20-31-4 (performance based accreditation).**

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(6) IC 20-33-6 (parental participation in a student's education).

(7) IC 20-34-1 (AIDS advisory council).

(8) IC 20-38 (educational compacts).

(b) If a statute, rule, or guideline described in subsection (a) is amended after January 1, 2006, the amendment to the statute, rule, or guideline applies to a deregulated school corporation unless the general assembly specifies that the amendment to the statute, rule, or guideline does not apply to a deregulated school corporation."

Delete page 5.

Page 6, delete lines 1 through 15.

Page 7, delete lines 3 through 14.

Page 7, line 15, delete "Sec. 7." and insert "**Sec. 6.**".

Page 7, line 25, delete "Sec. 8." and insert "**Sec. 7.**".

Page 8, line 14, delete "501 (c)(3)" and insert "**501(c)(3)**".

Page 14, line 41, delete "paying" and insert "paving".

Page 15, line 6, delete "(a)".

Page 15, delete lines 13 through 32.

Page 16, line 6, delete "or" and insert "**and**".

Page 16, line 7, after "a" insert "**registered nurse**".

Page 16, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 21. [EFFECTIVE JULY 1, 2006] **Notwithstanding IC 20-19-5, as amended by this act, the children's social, emotional, and behavioral health plan created under IC 20-19-5 must be submitted in an electronic format under IC 5-14-6 to the general assembly through the legislative council not later than December 1, 2006. The plan must be submitted under this SECTION before the plan is implemented. The plan may not be implemented until the general assembly enacts legislation to implement the plan.**"

ReNUMBER all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 324 as printed January 27, 2006.)

BEHNING, Chair

Committee Vote: yeas 6, nays 5.

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